

PROB 12C
(7/93)

Report Date: September 4, 2013

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

SEP 05 2013

Eastern District of Washington

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jose Ventura

Case Number: 0980 2:06CR06014-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: July 16, 2007

Original Offense: Transportation of a Minor with Intent to Engage in Criminal Sexual Activity, 18 U.S.C.
§ 2423(a)Original Sentence: Prison 33 months;
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: February 20, 2012

Defense Attorney: Ben Hernandez

Date Supervision Expires: November 19, 2014

PETITIONING THE COURT

To issue a warrant and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 6/25/2013.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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4	Mandatory Condition # 4: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.
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Supporting Evidence: Jose Ventura is considered in violation of his term of supervised release, as he consumed cocaine on or about July 4, 2013.

The following information addresses violations 4, 5, and 6.

Mr. Ventura submitted to a polygraph examination on September 3, 2013, in order to monitor his compliance with supervised release pending his revocation hearing, which is scheduled for September 9, 2013.

Mr. Ventura's polygraph was completed by polygrapher Randy Ruegsegger in Yakima, Washington. The defendant's last polygraph exam was completed on March 1, 2013. This officer provided Mr. Ruegsegger with the questions for the exam, to include if the defendant,

Prob12C

Re: Ventura, Jose
September 4, 2013
Page 2

since his last polygraph exam, had any contact with minors, if he had consumed any alcohol or controlled substances, if he had viewed any pornographic material, and if he had accessed the internet without a chaperone or approval.

Mr. Ruegsegger advised this officer that during Mr. Ventura's pre polygraph interview, the defendant admitted he had consumed alcohol and cocaine on July 4, 2013. Mr. Ventura also stated he had consumed alcohol sometime around the end of June 2013, and had disposed of any alcohol that was not consumed so probation would not find it. The defendant disclosed that since his last polygraph he had continued to view pornographic material, primarily by accessing the internet. He indicated it was all adult pornography and he had viewed it "a couple of dozen times." In addition to viewing the pornography, he also accessed the internet without a chaperone or approval in order to peruse Craigslist, to access his bank account, and to use Google for his phone system. He denied any unauthorized contact with minors. After the defendant disclosed this information, his polygraph examination was determined to be non-deceptive.

- 5 **Special Condition # 18:** You shall be prohibited from possessing or manufacturing any material, including videos, magazines, photographs, computer-generated depictions, or any other forms that depict sexually explicit conduct involving children or adults, as defined at 18 U.S.C. § 2256(2). Neither shall you enter nor frequent any establishment involved in the sex industry, including adult bookstores, massage parlors, and strip bars. You shall not utilize any sex-related adult telephone numbers. The supervising probation officer is authorized to monitor compliance in this area by obtaining telephone records.

Supporting Evidence: Jose Ventura is considered in violation of his term of supervised release, as he has viewed pornographic material between March 31, 2013 to September 3, 2013. The aforementioned information provided in violation 4 addresses this violation.

- 6 **Special Condition # 27:** You are prohibited from accessing the internet on any electronic device without an approved chaperone, except for access of GPS maps for work purposes. You shall be subject to polygraphs to monitor any unapproved internet access.

Supporting Evidence: Jose Ventura is considered in violation of his term of supervised release, as he has accessed the internet without an approved chaperone between March 31, 2013 to September 3, 2013. The aforementioned information provided in violation 4 addresses this violation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 09/04/2013

s/SanJuanita B. Coronado

SanJuanita B Coronado
U.S. Probation Officer

Prob12C


Re: Ventura, Jose

September 4, 2013

Page 3

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other



Signature of Judicial Officer

9/5/13

Date